

REMARKS

The Office Action dated March 2, 2004 has been reviewed and the Examiner's comments carefully considered. The specification and drawings have been amended as set forth above. In addition, claims 1, 6-8 and 10-14 have been amended. No claims have been added or canceled. Therefore, claims 1-15 are pending in the application.

Objections

The claims, specification and drawings are objected to for various informalities. Appropriate amendments have been made to the claims, specification and drawings. There is no need to delete paragraph 48, because the foreign application has not been deemed to contain "essential" material. Reconsideration and withdrawal of the objections is respectfully requested.

35 U.S.C. 112 Rejections

Claim 4 is rejected under 35 U.S.C. 112, first paragraph as containing subject matter not described in the specification in such a way to convey that the inventor had "possession of the claimed invention." The rejection should be withdrawn because the inventor's possession of the invention is clearly conveyed by the presence of claim 4, in the originally filed application. Paragraph 45 of the specification has been amended to provide antecedent basis for claim 4. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-7, 10 and 13 are rejected under 35 U.S.C. 112, second paragraph as indefinite. Changes to claims have been made where appropriate. Reconsideration and withdrawal of the rejection is respectfully requested.

Double Patenting Rejection

Claims 1-15 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-15 of copending Application No. 10/064,919 in view of JP 08169294 ("Hanawa"). As noted in the Office Actio this rejection

can be overcome by filing a terminal disclaimer. If necessary, Applicants will file a terminal disclaimer to obviate the grounds for the rejection.

Prior Art Rejections

Claims 8-10 are rejected under 35 U.S.C. 102(b) as unpatentable over Hanawa. Applicant traverses these rejections for at least the following reasons.

The rejection of claim 8 should be withdrawn because the reference fails to disclose, teach or suggest “wherein the layer of fabric is attached to the passenger side sheet outside of the peripheral seam,” as called for in amended claim 8. On the contrary, Hanawa, discloses a side air bag with inboard and outboard fabric sheets 22, 23 sewn along a seam 30, with a fabric layer 24 sewn to the inboard sheet by seam 28, which is not “outside the peripheral seam.” Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 9-11 depend from claim 8 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations set forth in these dependent claims.

Claim 11 is rejected under 35 U.S.C. 103(a) as unpatentable over Hanawa in view of Mishina. Mishina does not cure the deficiency of Hanawa stated above. Mishina does not disclose, teach or suggest that the “layer of fabric is attached to the passenger side sheet outside of the peripheral seam.” Thus, withdrawal of the rejection is appropriate.

Claims 1, 5 and 6 are rejected under 35 U.S.C. 103(a) as unpatentable over EP 962363 (“Mishina”) in view of Hanawa. Applicant traverses these rejections for at least the following reasons.

The rejection of claim 1 should be withdrawn because the references, when taken separately or in combination, fail to disclose, teach or suggest the claimed invention. For example, neither of the references disclose, teach or suggest “wherein the outer shell is attached to the cabin-side base fabric outside of the peripheral seam,” as called for in amended claim 1. On the contrary, Mishina teaches an airbag with sheets 21, 22 sewn together along peripheral seam 23. The Office Action admits that Mishina fails to disclose

“fabric layers attached to an exterior surface of the inboard sheet and covering the depressed regions.” (Office Action, ¶14, page 7). Hanawa fails to cure the deficiency of Mishina. As stated above, Hanawa does not disclose, teach or suggest “wherein the outer shell is attached to the cabin-side base fabric outside of the peripheral seam.” Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 2, 3 and 5-7 depend from claim 1 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations set forth in these dependent claims.

Claims 2, 3 and 7 are rejected under 35 U.S.C. 103(a) as unpatentable over Mishina in view of Hanawa and further in view of U.S. 5,797,621 (“Ono”). However, Ono does not cure the deficiencies of Mishina and Hanawa. For example, Ono does not disclose, teach or suggest “wherein the outer shell is attached to the cabin-side base fabric outside of the peripheral seam,” as called for in claim 1. Thus, withdrawal of the rejection is appropriate. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as unpatentable over Hanawa in view of Mishina, and further in view of Ono and U.S. Patent No. 5,730,464 (“Hill”). Applicant traverses this rejections for at least the following reasons.

The rejection of claim 12 should be withdrawn because the references, when taken separately or in combination, fail to disclose, teach or suggest the claimed invention. For example, neither of the references disclose, teach or suggest “a layer of fabric attached to the exterior of the window side sheet and the passenger side sheet by adhesive,” as called for in claim 12. Furthermore, there is no motivation to combine the references because the references teaches away from the claimed invention. As stated above, Mishina fails to disclose “fabric layers attached to an exterior surface of the inboard sheet and covering the depressed regions.” (Office Action, ¶14, page 7). Hanawa and Hill merely teach an airbag with a fabric layer on the cabin-side, whereas Ono teaches an airbag with a reinforcement layer 24 on a window-side of a vehicle. Ono teaches a reinforcement fabric layer to prevent an airbag from rupturing from sharp broken glass. (*See* Ono at col. 1, lines 25-32). Hill

teaches an external tether configured to bring the airbag closer to the occupant. (*See Hill* at col. 1, lines 32-40). Therefore, there is no motivation to combine the references to include “fabric layers attached to an exterior surface of the inboard sheet and covering the depressed regions,” as required by claim 12. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 13 depends from claim 12 and is allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations set forth in this dependent claim.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as unpatentable over Hanawa in view of Ono. Applicant traverses this rejection for at least the following reasons.

The rejection of claim 14 should be withdrawn because the references, when taken separately or in combination, fail to disclose the claimed invention. For example, neither of the references disclose, teach or suggest “wherein the layer of fabric is attached to the window side sheet outside the peripheral seam,” as required by amended claim 14. On the contrary, Hanawa, discloses a side air bag with inboard and outboard fabric sheets 22, 23 sewn along a seam 30, with a fabric layer 24 sewn to the inboard sheet by seam 28, not “outside the peripheral seam. Ono does not cure the deficiency of Hanawa. Ono does not disclose, teach or suggest that the “layer of fabric is attached to the window side sheet outside the peripheral seam,” as required by amended claim 14. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 15 depends from claim 14 and is allowable therewith, for at least the reasons set forth above, without regard to the further patentable limitations set forth in this dependent claim.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 CFR 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

6/1/2004

By



FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 672-5582

Facsimile: (202) 672-5399

Howard N. Shipley

Attorney for Applicant

Registration No. 39,370